

**SUPREME COURT MINUTES
TUESDAY, FEBRUARY 10, 1998
SAN FRANCISCO, CALIFORNIA**

The Supreme Court of California convened in the courtroom of the Marathon Plaza Building, 303 Second Street, South Tower, 4th Floor, San Francisco, California, on February 10, 1998, at 9:00 a.m.

Present: Chief Justice Ronald M. George, presiding, and Associate Justices Mosk, Kennard, Baxter, Werdegarr, Chin, and Brown.

Officers present: Robert Wandruff, Clerk; George Rodgers, Walter Grabowski and Harry Kinney, Bailiffs.

S044870 People, Respondent

v.

Sergio Venegas, Appellant

Cause called. Jo Graves, Supervising Deputy Attorney General, argued for Respondent.

Valerie Hriciga, Deputy State Public Defender, argued for Appellant.

Ms. Graves replied.

Cause submitted.

S058779 Roberto M. Murillo, Appellant

v.

Fleetwood Enterprises Incorporated et al., Respondents

Cause called. A. Clifton Hodges argued for Appellant.

Maureen A. Summers opened argument for Respondent.

Charles A. Bird, appearing for Amicus Curiae Recreation Vehicle Industry, continued argument for Respondent.

Mr. Hodges replied.

Cause submitted.

S059847 Landgate Incorporated et al., Appellants
v.
California Coastal Commission, Appellant
Cause called. Joseph Barbieri, Deputy Attorney General, argued for Appellant Coastal Commission.
Benjamin M. Reznik opened argument for Appellants Landgate et al.
James Burling, appearing for Amicus Curiae Pacific Legal Foundation, continued argument for Appellants Landgate et al.
Mr. Barbieri replied.
Cause submitted.

S047306 People, Respondent
v.
David Hernandez, Appellant
[To be called and continued in light of United States Supreme Court's grant of certiorari in Monge v. California, No. 97-6146 (January 16, 1998).]

Court recessed until 1:30 p.m. this date.

Court reconvened pursuant to recess.
Members of the Court and Officers present as first shown.

S060985 Valley Medical Transport Inc., Respondent
v.
Apple Valley Fire Protection District et al., Appellants
County of San Bernardino et al., Respondents
Cause called. William D. Ross argued for Appellant Apple Valley Fire Protection District.
R. Michael Scarano, Jr. argued for Respondent Valley Medical Transport.
Alan L. Green, Deputy San Bernardino County Counsel, argued for Respondents Inland Counties and San Bernardino.
Mr. Ross replied.
Cause submitted.

S008113 People, Respondent

v.

Lee Max Barnett, Appellant

Cause called. Michael A. Willemsen opened argument for Appellant.

Ruth M. Saavedra, Deputy Attorney General, argued for Respondent.

Mr. Willemsen replied.

Cause submitted.

Court recessed until 9:00 a.m., Wednesday, February 11, 1998.

S066732 In re Tony Blackman

on

Habeas Corpus

Pursuant to written request of petitioner, the above entitled petition for review is ordered withdrawn.

1st Dist. Bruce Fagel, Petitioner

A079516 v.

Div. 4 Alameda County Superior Court, Respondent

S067814 Mohamad Rahimi et al., Real Parties in Interest

Pursuant to written request of counsel for petitioner, the above entitled petition for review is ordered withdrawn.

S009169 People, Respondent

v.

Martin James Kipp, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to and including April 7, 1998.

S063080 In re William G. Brooks

on

Habeas Corpus

On application of petitioner and good cause appearing, it is ordered that the time to serve and file a reply to the informal response of the Attorney General is extended to and including March 9, 1998.

S063512 People, Respondent

v.

John David Williams, Appellant

On application of respondent and good cause appearing, it is ordered that the time to serve and file respondent's answer brief on the merits is extended to and including February 27, 1998.

S065501 Rochelle C. Linder, Appellant

v.

Thrifty Oil Company, Respondent

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief on the merits is extended to and including March 17, 1998.

S061699 Aydin Corporation, Respondent

v.

First State Insurance Company, Appellant

The application of Insurance Environmental Litigation Association for permission to file an amicus curiae brief in support of appellant is hereby granted.

An answer thereto may be served and filed by any party within twenty days of the filing of the brief.

S061699 Aydin Corporation, Respondent

v.

First State Insurance Company, Appellant

The application of London Market Insurers for permission to file an amicus curiae brief in support of appellant is hereby granted.

An answer thereto may be served and filed by any party within twenty days of the filing of the brief.

S061699 Aydin Corporation, Respondent

v.

First State Insurance Company, Appellant

The application of Montrose Chemical Corporation for permission to file an amicus curiae brief in support of respondent is hereby granted.

An answer thereto may be served and filed by any party within twenty days of the filing of the brief.

S065511 People, Respondent

v.

George Barella, Appellant

Upon request of appellant for appointment of counsel, Gerry W. McGee is hereby appointed to represent appellant on his appeal now pending in this court.

S044592 People, Respondent

v.

Steven Homick, Appellant

Attorney Douglas W. Lofgren is hereby appointed on an interim basis to continue to pursue appellant's pending claim under the Freedom of Information Act (5 U.S.C. §552 et seq.) against the Federal Bureau of Investigation and the United States Department of Justice. Any expenses reimbursed will be deducted from the \$25,000 for the investigation of potential habeas corpus claims provided for pursuant to "Supreme Court Policies Regarding Cases Arising from Judgments of Death," Policy 3, Compensation Standard 2-2.1, and any fees incurred will be taken into consideration in deciding how much to compensate counsel for the investigation of potential habeas corpus claims in the future. Attorney Lofgren is authorized to spend no more than 100 hours on the matter without further authorization by this court. Counsel shall submit confidential status reports on the progress of his work every 60 days to this court's Automatic Appeals Case Coordinator.

S062313 In the Matter of the Suspension of Attorneys Pursuant to Rule 962 California Rules of Court

Having been provided proof of compliance pursuant to subdivision (1) of section 11350.6 of the Welfare and Institutions Code, the suspension of **Todd R. Corren** pursuant to our order filed on January 5, 1998, is hereby terminated.

This order is final forthwith.

S066475 In re the Matter of the Special Application of the Committee of Bar Examiners for Admission of Attorneys

The special motion for admission of attorneys filed February 6, 1998, by the committee of Bar Examiners of the State Bar of California is hereby granted by the court, consistent with the order filed December 10, 1997 in case S065941.

S066270 In re **Suzanne Louise Harris** on Discipline

It is ordered that **Suzanne Louise Harris** be suspended from the practice of law for four years and until she has shown proof satisfactory to the State Bar Court of her rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct and until she makes restitution to Michelle Fierro or the Client Security Fund (if appropriate) in the amount of \$2,000.00, plus 10% interest per annum from March 18, 1993, and furnishes satisfactory proof thereof to the Probation Unit, State Bar Office of Trials, that execution of suspension be stayed, and that she be placed on probation for four years on condition that she be actually suspended for three years and until she has shown proof satisfactory to the State Bar Court of her rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct and until she makes restitution to Michelle Fierro or the Client Security Fund (if appropriate) in the amount of \$2,000.00, plus 10% interest per annum from March 18, 1993, and furnishes satisfactory proof thereof to the Probation Unit, State Bar Office of Trials. She is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Regarding Stipulation filed July 10, 1997, as modified by its order filed August 14, 1997. It is also ordered that she take and pass the Multistate Professional Responsibility Examination during the period of her actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Bus. & Prof. Code section 6086.10 and payable in accordance with Bus. & Prof. Code section 6140.7 as amended effective January 1, 1997.

S067786 In the Matter of the Resignation of **Philip Raymond Gustlin**
A Member of the State Bar of California

The voluntary resignation of **Philip Raymond Gustlin** as a member of the State Bar of California is accepted.

S067788 In the Matter of the Resignation of **Arnold Thaddeus Guminski**
A Member of the State Bar of California

The voluntary resignation of **Arnold Thaddeus Guminski** as a member of the State Bar of California is accepted.